declaration is defective because it identifies the wrong serial number. The Applicants disagree. The oath and declaration currently on file identifies Application Serial Number 09/506,477. The current application is a continuation of U.S. patent application Serial No. 10/072,911, filed February 12, 2002, which is a divisional of US. Serial No. 09/506,477. Under 37 CFR 1.63(d)(1), a newly executed oath or declaration is not required under § 1.51(b)(2) and § 1.53(f) in a continuation or divisional application. No new issues have been raised. Withdrawal of the objection to the oath and declaration is requested.

The specification is objected to because the "Related Applications" section does not include the current patent number. The Applicants disagree. In the preliminary amendment filed June 6, 2004, the Applicants amended the specification to reflect the current related application information. Applicants are not ware of any reason to include the current patent application number in the specification. Withdrawal of the objection to the specification is requested.

<u>The Rejections Under 35 U.S.C. §102(b) Should be Withdrawn</u>

Claims 18-37 are rejected under 35 U.S.C. 102(b) as being anticipated by Jeter *et al.* (USP No. 5,683,420). Applicants traverse this rejection. Jeter *et al.* does not disclose or suggest an apparatus comprising at least two ductal access probes each having a lumen and being configured for introduction into a respective one of the ductal networks of the breast for the purpose of simultaneously delivering a substance to at least two of the ductal networks and collecting a ductal fluid sample from the at least two ductal networks using a plurality of said introduced ductal access probes. Instead, Jeter *et al.* describes a device for increasing breast size by injecting "body compatible" "enhancement fluids" into the gland lobules and surrounding regions of a breast. Jeter *et al.* does not disclose a device configured to extract or collect these enhancement fluids from a breast. In fact, the removal of the "enhancement fluid" would

contradict the main purpose of Jeter *et al*, which is to enlarge a breast. Jeter *et al* even describes additional steps to prevent "inserted fluid" from being "expelled from the nipple openings." *See e.g.*, Jeter *et al* at column 2, line 64 through column 3, line 8.

Because Jeter *et al* lacks structure for removal of fluid infused into the breast, it cannot anticipate any claim reciting such structure. For example, independent claim 18 recites collecting a ductal fluid sample from the at least two ductal networks using a plurality of introduced ductal access probes. There is no disclosure or suggestion in Jeter *et al.* of collecting a ductal fluid sample. The examiner refers Applicants to Jeter *et al.* syringe 16 (assumed to be in FIG. 4) as an example of a collection tube. Applicants disagree. First, the Jeter *et al.* syringe 16 is not a collection device for a ductal fluid sample. As mentioned previously, the intentional withdrawal of fluid is contrary to the purpose of the device described in Jeter *et al.* Second, ductal access probes described in claim 18 are introduced into the ductal networks in the breast through a ductal orifice. The Jeter *et al.* syringe 16 shown in FIG 4. accesses the ductal network through the dermal cover of the breast, not through a ductal orifice. Accordingly, claim 18 and all claims depending therefrom (19-27) are allowable.

Similarly, independent claim 28 is allowable over Jeter *et al.* because it recites a manifold having an inlet for receiving fluid and at least two outlets and at least two individual ductal access probes, each ductal access probe having a lumen connected to one of the two outlets and configured for insertion through an orifice of a ductal network; and a collection tube connected to at least one probe for receiving biological material from within the breast. Jeter *et al.* does not disclose or suggest a device having a manifold having an inlet for receiving fluid and at least two outlets nor a collection tube connected to at least one probe for receiving biological material from within the breast. Intentional withdrawal of ductal fluids (or biological material) is

contrary to the Jeter *et al.* device's purposes, as removal of fluids would not increase breast size. Because of the radically different purposes of Applicant's invention and of the device described in Jeter *et al.*, there can be no motivation to modify the device of Jeter *et al.* without impermissibly using the Applicant's invention as a blueprint. Accordingly, claim 28 and all claims depending therefrom (29-37) are allowable. Withdrawal of the rejection is requested.

Conclusion

In light of the arguments presented above, Applicants respectfully submit that the claims are in condition for allowance. Early notice to this effect is solicited.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 502855 referencing attorney docket number 12.025011.

Respectfully submitted,

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